



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

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| 10/037,691 | 9 Nov. 2001 | Z. Kircanski | 101AC-033 (0499-033) |
| Title: High Temperature Resistant Material | | | |
| Examiner: H.T. Tran | | Art Unit: 1764 | |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

In connection with the Petition to Revive filed herewith, and the Office action mailed 6 December 2004, in which restriction was required among: Group I, claims 1-3 and 16-18, as drawn to a high temperature resistant material and a catalytic converter including the same; Group II, claims 4-8, drawing to a method for forming a high temperature resistant material; and Group III, claims 9-15, drawn to a method for making a seal.

Applicant hereby elects, with traverse, to prosecute the claims of Group I.

The restriction between Groups I and II is on the basis that a materially different process than Group II could be used to make the articles of Group I, such as one requiring molding. However, claim 1 specifically recites "coating or molding" and so the basis for restricting these groups is not valid. This part of the restriction requirement is not validly based, and so claims 1-8 and 16-18 should be examined together.

The restriction between Groups I and III is on the basis that the product can be made by a materially different process, such as one not requiring the tilt angle of the mixer. This is an improper basis because the proposed process contravenes the specific teaching in the specification: the specification (e.g., page 7, lines 2-5 and 13-15) teaches that it is necessary to tilt the mixer (0° to 45°) depending on the amount of vermiculite present, so there is no basis for alleging that the same product can be made without tilting the mixture absent some evidence to the contrary. Accordingly, pursuant to MPEP 806.05(f), the Office is requested to document a viable alternative process or withdraw this requirement for restriction.

The restriction between Groups II and III on the basis of being “different modes of operation” is not understood because both groups are method claims recite method steps. Accordingly, this requirement for restriction should be withdrawn.

Respectfully submitted,



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